

MINUTES OF BOARD MEETING

November 13, 2002
City Council Chambers
City of La Quinta
78-495 Calle Tampico
La Quinta, CA 92253

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Vice-Chair Gary Johnson at 10:00 a.m. on November 13, 2002, in the City Council Chambers, City of La Quinta, California.

1. Board Member Roll Call

Present: Dr. Dan Baxley, John Benson, Gary Johnson, Leon Lesicka and Nancy Wright

Absent: Brenda Soulliere

2. Staff Present

Jeff Allred, Adnan Al-Sarabi, Jose Angel, Sheila Ault, John Carmona, Liann Chavez, Ron
Falkowski, Kristie Taylor Garcia, Teresa Gonzales, Phil Gruenberg, Kirk Larkin, Kola
Olatunbosun, Robert Perdue, Logan Raub, Maribel Rodriguez, Jonathan Rokke, Theresa
Schultz, Charles Springer, Joan Stormo and Nadim Zeywar

3. Others Present

Julie Baumer, City of Cathedral City
Bill Bayne, City of Cathedral City
Steve Bigley, Coachella Valley Water District
Randy Hines, City of El Centro
Lavelle Lesicka, Private Citizen
Karl McArthur, U.C. Cooperative Extension
Doug Mitchell, Centinela Prison
Lori Okun, State Water Resources Control Board - OCC
Nicole Rothfleisch, Imperial County Farm Bureau
Rex Sharp, Valley Sanitary District

4. Michael A Smith

Mr. Johnson spoke of the admirable life of Michael A Smith, who passed away on November 2, 2002, and a moment of silence was observed.

5. Minutes

Meeting of September 4, 2002

MOTION: Ms. Wright moved, Mr. Benson seconded, and motion carried unanimously that the Minutes be approved as submitted.

6. Resolution No. R7-2002-0208, Expressing Appreciation to Mary Ann E. Martin Andreas

MOTION: Ms. Wright moved, Mr. Benson seconded, and motion carried unanimously that Resolution No. R7-2002-0208 be adopted.

7. Public Forum

No one from the public chose to speak.

8. Uncontested Waste Discharge Requirements

Waste Discharge Requirements

CS	R7-2002-0158	Fountain of Youth Spa Corp., Owner/Operator, Fountain of Youth Spa Evaporation/Oxidation Basin Disposal Facilities – Northwest of Niland, Imperial County (Updated Order)
DV	R7-2002-0168	U.S. Department of the Navy, Southwest Division Naval Facilities Engineering Command, Naval Air Facility – El Centro, Imperial County (Updated Order). Closure of Installation Restoration Program Site 1 (Magazine Rd. Landfill)
	R7-2002-0167	Change of Name and/or Ownership
MO	94-005	Safety-Kleen Westmorland, Imperial County

MOTION: Dr. Baxley moved, Mr. Benson seconded, and motion carried unanimously that Board Orders No. R7-2002-0158, R7-2002-0167 and R7-2002-0168 be adopted.

9. Consideration to Adopt Resolution No. R7-2002-0183: Requesting the United States Federal Government to Support Remedial Efforts to Address Perchlorate Pollution in the Lower Colorado River

Joan Stormo, Regional Board staff, gave an overview of Las Vegas Valley remedial efforts.

Phil Gruenberg, Executive Officer, recommended adoption of proposed Resolution No. R7-2002-0183.

MOTION: Ms. Wright moved, Mr. Lesicka seconded, and motion carried unanimously that Resolution No. R7-2002-0183, including the errata, be adopted.

10. Public Hearing for Consideration to Adopt Proposed Resolution No. R7-2002-0184: Amendment to the Water Quality Control Plan to Prohibit Discharge of Individual Subsurface Wastewater Disposal Systems in the Cathedral City Cove

The hearing was called to order, a roll call was taken, and those planning to testify took the appropriate oath.

Logan Raub, Regional Board staff, gave a presentation regarding water quality concerns in the Cathedral City Cove.

Phil Gruenberg recommended adoption of proposed Resolution No. R7-2002-0184.

The Public Hearing was closed.

MOTION: Dr. Baxley moved, Ms. Wright seconded, and motion carried unanimously that Resolution No. R7-2002-0184, including the errata, be adopted.

11. Consideration to Affirm, Reject, or Modify Proposed Administrative Civil Liability Order No. R7-2002-0200 for John T. Cleary, Owner/Operator, John's Hands-On Carwash, Wastewater Disposal Facilities, Twentynine Palms – San Bernardino County

Phil Gruenberg, stated that this matter was close to settlement, and if not settled an ACLO would likely be on the January 2003 Agenda.

12. Consideration to Affirm, Reject, or Modify Proposed Administrative Civil Liability Order No. R7-2002-0201 for Terra Organics International, Owner/Operator, Bioremediation Reactor, Bioremediation Reactor Station, Salton City – Imperial County

John Carmona, Regional Board staff, explained that this ACLO was being issued due to non-payment of annual fees.

MOTION: Mr. Benson moved, Mr. Lesicka seconded, and motion carried unanimously that ACLO No. R7-2002-0201 be adopted.

13. Meaders Cleaners

Ron Falkowski, Regional Board staff, gave an update on the status of Meaders Cleaners dry cleaning facility.

14. Cathedral City Briefing Regarding Construction of a Sanitary Sewer System in the Cove Area

Bill Bayne, City of Cathedral City, described the City's plan to replace individual subsurface wastewater disposal systems in the cove area with a sanitary sewer system.

15. Border Pollution – Follow-up to the October 16, 2002 Public Workshop on the New River

Mr. Carmona gave a review of the 1987 James M. Montgomery Report, regarding New River treatment options for the United States.

Jose Angel, Regional Board staff, gave a detailed explanation of the projects recommended in the 1987 James M. Montgomery Report, including cost comparisons.

Lori Okun, State Board Legal Counsel, discussed legal implications of implementing and operating a treatment plant in the United States to treat New River flow.

Mr. Gruenberg stated that Regional Board staff has been attempting to obtain consensus for a plan of action for the Calexico area, where New River pollution is the worst. He stated that principal parties involved in this effort are the New River Committee in Calexico, Regional Board staff, and the Citizen's Congressional Task Force on the New River. Mr. Gruenberg informed the Board that these parties recently attended a productive meeting held by the Southern Low Desert Resource Conservation and Development Counsel, a group designed to promote community projects to improve the environment. He added that this group could also assist in securing funding for cleanup projects. He stated that efforts seem to be progressing, and specific projects may be ready for recommendation to legislators in the near future.

Ms. Okun suggested that Regional Board staff provide the Board with the following items:

- 1) a list of various projects currently in place to address New River pollution;
- 2) a list of agencies and entities currently addressing New River pollution;
- 3) periodic updates on the status of projects and entities currently addressing New River pollution;
- 4) information on potential funding sources, who is eligible for funding, and how the funding is administered; and
- 5) information on what legal authority the Board has to enforce existing laws against various entities, including TMDL implementation.

Dr. Baxley stated that the Board has an obligation to see that the New River is cleaned up. He recommended that Regional Board staff provide the Board with a reference document to be used as a road map to delineate what the Board is attempting to accomplish, and keep track of whether goals are being attained.

16. Schedule of Board Meetings for Calendar Year 2003

MOTION: Dr. Baxley moved, Ms. Wright seconded, and motion carried unanimously that the Schedule of Board Meeting Dates for Calendar Year 2003 be adopted.

17. Informational Update on State Board Activities

Ms. Okun reported that the SWRCB issued the final order approving the Imperial Irrigation District/Metropolitan Water District Water Transfer on October 28, 2002. She added that the final order includes protections for the Salton Sea for fifteen years, based on the Habitat Conservation Plan, and that this issue would be reconsidered based on the status of the Salton Sea at the end of this time period.

Ms. Okun reported that the SWRCB is currently working on the 303(d) List of Impaired Water Bodies, and that a meeting would be held to adopt the final list in January 2003.

Ms. Okun reported that the SWRCB recently adopted an emergency regulation, which amended the fee schedules for Waste Discharge Requirements. She added that fees were increased in an effort to resolve some of the SWRCB's budgeting issues.

Ms. Okun reported that, at this time, the SWRCB's Operator Certification Program will remain in place.

18. Regional Board Executive Officer's Report

Mr. Gruenberg reported that Dr. Baxley and Ms. Wright had formed a subcommittee to address New River cleanup efforts in Mexicali, and Mr. Johnson and Dr. Baxley formed another to address New River cleanup efforts in Calexico. He added that Board Members are free to form additional subcommittees as needed.

Mr. Gruenberg reported that he recently issued two Mandatory Minimum Penalty ACLCs. The City of Coachella waived their hearing and agreed to pay the \$45,000 fine. Centinela Prison waived their hearing and paid the \$6,000 fine in full.

Mr. Gruenberg added that Mandatory Minimum Penalty ACLC's for the City of Coachella, City of Brawley, and City of Imperial would be forthcoming.

19. Regional Board Staff Reports

Sheila Ault, Regional Board staff, gave an update on the progress of the Regional Board's Public Outreach Program.

20. Regional Board Member Comments

Ms. Wright reported that she and Dr. Baxley attended the International Boundary and Water Commission's monthly New River tour and recommended that each Board Member do the same.

Ms. Wright announced that during the current Board Meeting, grand opening ceremonies were held for the Mission Creek Ground Water Recharge Basins.

Mr. Benson stated that the current Board Meeting and the October 16, 2002 New River Workshop were the most productive Regional Board Meetings he had attended.

Dr. Baxley reported that Art Baggett, SWRCB Chair, stated at the WQCC meeting that for the past thirty years the SWRCB and Regional Boards had been dedicated to point source cleanup and that the next thirty years should be dedicated to public education and implementation of Best Management Practices.

Mr. Lesicka stated that meetings to address New River pollution are very beneficial.

21. Regional Board Chair's Report

Mr. Johnson stated that he was unable to attend the recent WQCC meeting and that Dr. Baxley had gone in his place.

Mr. Johnson reported that he, Mr. Gruenberg and Dr. Baxley recently met with Tom Kirk to discuss the Salton Sea Authority's position on New River cleanup.

22. Adjournment

The meeting adjourned at 1:25 p.m.